

IDAHO BOARD OF CHIROPRACTIC PHYSICIANS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Conference Call Minutes of 11/8/2018

BOARD MEMBERS PRESENT: Herbert W Oliver, D.C. - Chair
Lynn A Hansen, D.C.
Shannon Gaertner-Ewing, D.C.

BOARD MEMBERS ABSENT: Kathleen J McKay, D.C.
Charles H Coiner

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Administrative Support Manager
Marcie Rightnowar, Appeals/Hearings Technician
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Jean Uranga, Uranga & Uranga
Debbie Toncray, Technical Records Specialist II

The meeting was called to order at 9:00 AM MST by Herbert W Oliver, D.C.

APPROVAL OF MINUTES

Dr. Gaertner-Ewing made a motion to make a minor revision to and approve the minutes of 8/3/2018. It was seconded by Dr. Hansen. Motion carried.

LEGISLATIVE REPORT

Ms. Cory said that the Bureau will be working on putting together legislative outreach meetings similar to the meetings last year with Board members and legislators. She said the Bureau would be reaching out to Board members in the next several weeks to see when they would be available to meet with legislators in their communities.

INTERIM COMMITTEE: OCCUPATIONAL LICENSING & CERTIFICATION LAWS COMMITTEE

Ms. Cory let the Board know that the interim committee met on October 19, 2018. She discussed the interim committee's recent actions regarding the Executive Order and the reports which have been posted on the various Boards' websites. Ms. Cory said the Lt. Governor's Office presented the combined report to the Legislature for the Boards and agencies which provide licensure for various professions, and she reviewed the report with the Board.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$86,873.91) as of 10/31/2018.

DISCIPLINE

Ms. Uranga presented a memorandum regarding case numbers CHI-2018-2, CHI-2019-1, and CHI-2019-2. After discussion, the Board gave recommendations for appropriate discipline.

OLD BUSINESS

COLD LASER CLASSIFICATIONS – DR. DANA MERCER, LOGAN UNIVERSITY

Dr. Oliver reviewed the previous discussions the Board had regarding parameters of the use of cold lasers. Dr. Mercer provided information regarding the history of and training for the use of cold lasers. She discussed the use of specific cold lasers and the results which she has seen and have been reported. Dr. Oliver asked about training for the use of cold lasers and Dr. Mercer said there is post-graduate training available. Dr. Gaertner-Ewing said she would contact Vince DiBono with the Council on Chiropractic Education (CCE) and ask if the CCE has added training on cold lasers to the current curriculum for chiropractic education.

PROPOSED LAW/RULES – COMMENTS

Ms. Cory reviewed the process for proposed laws and rules. The Board reviewed the comment received regarding the proposed continuing education rule. Mr. Ellsworth said he talked with Ms. Merritt with the Idaho Association of Chiropractic Physicians (IACP) regarding concerns with the proposed continuing education rule and the specific language in the proposed rule of “substantially same content.” Mr. Ellsworth said Ms. Merritt was satisfied with the explanation regarding the Board’s review of continuing education and courses having “substantially same content,” and that she would provide the explanation about the proposed continuing education rule to the IACP members. The Board agreed the rule did not require any revisions. Mr. Ellsworth and Dr. Oliver shared the comments received by the Board regarding the change to the peer review law. The Board did not take any action on the comments, and agreed to submit the proposed law change.

Dr. Gaertner-Ewing made a motion to submit the proposed rules as pending for review by the 2019 Legislature and proceed with the proposed law change. It was seconded by Dr. Hansen. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Dr. Gaertner-Ewing made a motion to approve the Bureau’s recommendation and authorize closure in case I-CHI-2018-7. It was seconded by Dr. Hansen. Motion carried.

OLD BUSINESS

The Board reviewed the To Do List and no action was taken.

NEW BUSINESS

EXECUTIVE SESSION

Dr. Gaertner-Ewing made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Dr. Hansen. The vote was: Dr. Oliver, aye; Dr. Gaertner-Ewing, aye; and Dr. Hansen, aye. Motion carried.

Dr. Gaertner-Ewing made a motion to come out of executive session. It was seconded by Dr. Hansen. The vote was: Dr. Oliver, aye; Dr. Gaertner-Ewing, aye; and Dr. Hansen, aye. Motion carried.

APPLICATIONS

Dr. Gaertner-Ewing made a motion to approve the following for clinical nutrition certification:

DCA-1874	Jacob Boewer, D.C.
DCA-1879	George Fiegel, D.C.
DCA-1897	John Hickey, D.C.
DCA-1898	Shaloam Ofisa, D.C.
DCA-1901	Noah Edvalson, D.C.
DCA-1903	Harry Lee, D.C.
DCA-1905	William Higgins, D.C.

It was seconded by Dr. Hansen. Motion carried.

Dr. Gaertner-Ewing made a motion to table the following pending receipt of additional information:

Applicant ID 901068888

It was seconded by Dr. Hansen. Motion carried.

NEW BUSINESS

REVIEW: CLINICAL NUTRITION CERTIFICATION ANNUAL ISSUANCE APPLICATION FORM AND INACTIVE STATUS LICENSE APPLICATION FORM

The Board reviewed the draft application form. Dr. Gaertner-Ewing made a motion to appoint Dr. Gaertner-Ewing and Dr. Hansen as a subcommittee to review the clinical nutrition certification annual issuance application form. It was seconded by Dr. Hansen. Motion carried. Dr. Gaertner-Ewing amended the motion to include the inactive status license application form for review by the subcommittee. It was seconded by Dr. Hansen. Motion carried.

CORRESPONDENCE

COUNCIL ON CHIROPRACTIC EDUCATION (CCE) ACCREDITATION ACTION ANNOUNCEMENT

The Board reviewed the letter and took no action.

CCE COUNCIL ELECTION RESULTS

The Board reviewed the letter and took no action.

NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE) BOARD OF DIRECTORS, CYNTHIA TAYS DC

The Board reviewed the letter and took no action.

ETHICS AND BOUNDARIES ASSESSMENT SERVICES (EBAS) INFORMATION

The Board reviewed the letter and took no action.

CE COURSES

The following CE courses were reviewed by the Board. Dr. Gaertner-Ewing made a motion to deny the following five (5) courses:

THE PSYCHOLOGICAL AND CLINICAL ASPECTS OF PATIENT CARE
CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS

**THE PSYCHOLOGICAL AND CLINICAL ASPECTS OF PATIENT CARE -
CONDENSED VERSION**
CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS

ETHICS - THE IMPORTANCE OF INTEGRITY
CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS

PERSONAL AND BUSINESS RESPONSIBILITY
CONTINUING ED HUB

HIPAA 101 - SECURITY BASICS
THE CHP GROUP

It was seconded by Dr. Hansen. Motion carried.

The following courses were approved by the Board:

**CULTURAL COMPETENCY FOR INTEGRATIVE HEALTHCARE
PROVIDERS**
THE CHP GROUP

MEASURING PATIENT OUTCOMES
THE CHP GROUP

INTERNATIONAL CHIROPRACTIC ASSOCIATION – CALIFORNIA
ICA OF CA

COMPLETE DOCUMENTATION FOR COMPLETE REIMBURSEMENT
CHIROCEUSEMINARS

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Dr. Gaertner-Ewing made a motion to come out of executive session. It was seconded by Dr. Hansen. The vote was: Dr. Oliver, aye; Dr. Gaertner-Ewing, aye; and Dr. Hansen, aye. Motion carried.

Dr. Hansen said he needed to leave the meeting. Dr. Gaertner-Ewing made a motion to authorize Dr. Oliver and Dr. Gaertner-Ewing to continue to review the continuing education audits and reinstatements and handle them in accordance with the Board's previous policies. It was seconded by Dr. Hansen. Motion carried.

NEXT MEETING was scheduled for February 1, 2019 at 9:00 AM MST.

ADJOURNMENT

Dr. Gaertner-Ewing made a motion to adjourn the meeting at 12:23 PM MST. It was seconded by Dr. Hansen. Motion carried.

Herbert W Oliver, D.C., Chair

Charles H Coiner

Lynn A Hansen, D.C.

Kathleen J McKay, D.C.

Shannon Gaertner-Ewing, D.C.

Tana Cory, Bureau Chief